

International Law Studies—Volume 15

International Law Documents

II.

ENEMY VESSELS AT OUTBREAK OF WAR—DAYS OF GRACE.

Interference before war.—The diplomatic correspondence between Great Britain and Germany seems to show that there was some interference with shipping even before war was declared, though the reason given was "that mines were being laid and other precautions being taken."¹

¹ No. 130.—*Sir Edward Grey to Sir E. Goschen.*

(Telegraphic.)

LONDON, FOREIGN OFFICE, Aug. 1, 1914.

We are informed that authorities at Hamburg have forcibly detained steamers belonging to the Great Central Co. and other British merchant ships.

I can not ascertain on what grounds the detention of British ships has been ordered.

You should request German Government to send immediate orders that they should be allowed to proceed without delay. The effect on public opinion here will be deplorable unless this is done. His Majesty's Government, on their side, are most anxious to avoid any incident of an aggressive nature, and the German Government will, I hope, be equally careful not to take any step which would make the situation between us impossible.

No. 143.—*Sir E. Goschen to Sir Edward Grey.*

(Telegraphic. Received Aug. 2.)

BERLIN, Aug. 1, 1914.

Detention of British merchant ship at Hamburg.

Your telegram of 1st August¹ acted on.

Secretary of State, who expressed the greatest surprise and annoyance, has promised to send orders at once to allow steamers to proceed without delay.

¹ See No. 130.

No. 145.—*Sir E. Goschen to Sir Edward Grey.*

(Telegraphic. Received August 2.)

BERLIN, Aug. 2, 1914.

My telegram of Aug. 1.²

Secretary of State informs me that orders were sent last night to allow British ships in Hamburg to proceed on their way. He says that this must be regarded as a special favor to His Majesty's Government, as no other foreign ships have been allowed to leave. Reason of detention was that mines were being laid and other precautions being taken.

² See No. 143.

No. 149.—*Sir Edward Grey to Sir E. Goschen.*

(Telegraphic.)

LONDON, FOREIGN OFFICE, Aug. 2, 1914.

Your telegram of 1st August.³

I regret to learn that 100 tons of sugar was compulsorily unloaded from the British steamship *Sappho* at Hamburg and detained. Similar action appears to have been taken with regard to other British vessels loaded with sugar.

Review of regulations.—The British Orders in Council of August 4, 1914, referring to VI Hague Convention, 1907,¹ showed a disposition to establish with Germany

You should inform Secretary of State that, for reasons stated in my telegram of 1st August,⁴ I most earnestly trust that the orders already sent to Hamburg to allow the clearance of British ships cover also the release of their cargoes, the detention of which can not be justified.

³ See No. 143.

⁴ See No. 130.

No. 150.—*Sir E. Goschen to Sir Edward Grey.*

(Telegraphic. Received August 3.)

BERLIN, Aug. 3, 1914.

Your telegram of 2d August.⁵

Detention of British ships at Hamburg.

No information available.

⁵ See No. 149.

No. 156.—*Sir Edward Grey to Sir E. Goschen.*

(Telegraphic.)

LONDON, FOREIGN OFFICE, Aug. 4, 1914.

I continue to receive numerous complaints from British firms as to the detention of their ships at Hamburg, Cuxhaven, and other German ports. This action on the part of the German authorities is totally unjustifiable. It is in direct contravention of international law and of the assurances given to your Excellency by the Imperial Chancellor. You should demand the immediate release of all British ships if such release has not yet been given.

¹ *Convention relative to the status of enemy merchant ships at the outbreak of hostilities.*

(The United States has not ratified this convention. The provisions are contained in articles 1, 2, 3, 4.)

ARTICLE 1.

When a merchant ship belonging to one of the belligerent powers is at the commencement of hostilities in an enemy port, it is desirable that it should be allowed to depart freely, either immediately, or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated.

The same rule should apply in the case of a ship which has left its last port of departure before the commencement of the war and entered a port belonging to the enemy while still ignorant that hostilities had broken out.

ARTICLE 2.

A merchant ship unable, owing to circumstances of force majeure, to leave the enemy port within the period contemplated in the above article, or which was not allowed to leave, can not be confiscated.

The belligerent may only detain it, without payment of compensation, but subject to the obligation of restoring it after the war, or requisition it on payment of compensation.

ARTICLE 3.

Enemy merchant ships which left their last port of departure before the commencement of the war, and are encountered on the high seas while still ignorant of the outbreak of hostilities can not be confiscated. They are only liable to detention on the understanding that they shall be restored after the war without compensation, or to be requisitioned, or even destroyed, on payment of compensation, but in such case provision

by reciprocal agreement ten "days of grace" (p. 19). The correspondence seems to indicate a willingness on the part of both belligerents to adopt this period but through a misunderstanding this was not adopted (p. 22).

With Austria-Hungary, however, a satisfactory agreement was made by Great Britain and ten days were allowed from the declaration of hostilities (p. 23).

Great Britain, considering that Turkey was not a party to the Hague Convention relative to the Status of Enemy Merchant Vessels at the Outbreak of War did not extend to Turkish vessels the advantages of the order in council of August 4, 1914 (p. 24 note).

The same position was assumed by Great Britain in regard to Bulgaria (p. 25).

The declaration of war between Germany and France, August 3, 1914, contained a proposal for a reciprocal agreement in regard to days of grace (p. 26). These two States allowed a seven-days period of grace (p. 26).

France and Austria reached a similar reciprocal agreement (p. 27).

Italy decreed the sequestration of enemy merchant vessels unless apparently intended for conversion into vessels of war. Vessels of the latter class were to be captured and placed in the prize court (p. 27). The proceeds of sale or use of vessels which had been sequestered might be used to pay indemnity in case the enemy acted contrary to "the principles of the rights of war generally recognized and admitted" (p. 31).

Naval War College proposal, 1906.—In general the principle of reciprocity has received approval since July, 1914, and the practice in many instances has been similar to that proposed by the United States Naval War College in 1906 in the following words:

1. Each State entering upon a war shall announce a date before which enemy vessels bound for or within its ports at the outbreak of

must be made for the safety of the persons on board as well as the security of the ship's papers.

After touching at a port in their own country or at a neutral port, these ships are subject to the laws and customs of maritime war.

ARTICLE 4.

Enemy cargo on board the vessels referred to in articles 1 and 2 is likewise liable to be detained and restored after the termination of the war without payment of compensation, or to be requisitioned on payment of compensation, with or without the ship.

The same rule applies in the case of cargo on board the vessels referred to in article 3.

war shall under ordinary conditions be allowed to enter, to discharge cargo, to load cargo, and to depart, without liability to capture while sailing directly to a permitted destination. If one belligerent State allows a shorter period than the other, the other State may, as a matter of right, reduce its period to correspond therewith.

2. Each belligerent State may make such regulations in regard to sojourn, conduct, cargo, destination, and movements after departure of the innocent enemy vessels as may be deemed necessary to protect its military interests.

3. A private vessel suitable for warlike use, belonging to one belligerent and bound for or within the port of the other belligerent at the outbreak of war, is liable to be detained unless the Government of the vessel's flag makes a satisfactory agreement that it shall not be put to any warlike use, in which case it may be accorded the same treatment as innocent enemy vessels. (International Law Topics and Discussions, 1906, p. 46.)

Recent action on days of grace is shown below:

GREAT BRITAIN AND GERMANY.

*Order in council relating to the detention of German ships in British ports or in any ports of any native State in India, or in any of His Majesty's protectorates, or in any State under His Majesty's protection or in Cyprus.*¹

1914. No. 1248.

At the Court at Buckingham Palace, the 4th day of August, 1914.

Present: The King's Most Excellent Majesty in council.

His Majesty being mindful, now that a state of war exists between this country and Germany, of the recognition accorded to the practice of granting "days of grace" to enemy merchant ships by the convention relative to the status of enemy merchant ships at the outbreak of hostilities, signed at The Hague on the 18th October, 1907, and being desirous of lessening, so far as may be practicable, the injury caused by war to peaceful and unsuspecting commerce, is pleased, by and with the advice of his privy council, to order, and it is hereby ordered as follows:

1. From and after the publication of this order no enemy merchant ship shall be allowed to depart, except in accordance with the provisions of this order, from any British port or from any ports in any native State in India, or any of His Majesty's protectorates, or in any State under His Majesty's protection or in Cyprus.

2. In the event of one of His Majesty's principal secretaries of state being satisfied by information reaching him not later than midnight on Friday, the 7th day of August that the treatment accorded to British merchant ships and their cargoes which at the date of the outbreak of hostilities were in the ports of the enemy or which subsequently entered them is not less favorable than the treatment ac-

¹ A similar order in council was issued by the Canadian Government on August 5, 1914, as regards Germany, and on August 14, 1914, as regards Austria-Hungary.

corded to enemy merchant ships by articles 3 to 7 of this order, he shall notify the lords commissioners of His Majesty's treasury and the lords commissioners of the Admiralty accordingly, and public notice thereof shall forthwith be given in the London Gazette, and articles 3 to 8 of this order shall thereupon come into full force and effect.

3. Subject to the provisions of this order, enemy merchant ships which

“(1) At the date of the outbreak of hostilities were in any port in which this order applies; or

“(2) Cleared from their last port before the declaration of war, and after the outbreak of hostilities, enter a port to which this order applies, with no knowledge of the war:”

shall be allowed up till midnight (Greenwich mean time) on Friday, the 14th day of August, for loading or unloading their cargoes, and for departing from such port:

Provided, That such vessels shall not be allowed to ship any contraband of war, and any contraband of war already shipped on such vessels must be discharged.

4. Enemy merchant ships which cleared from their last port before the declaration of war, and which with no knowledge of the war arrive at a port to which this order applies after the expiry of the time allowed by article 3 for loading or unloading cargo and for departing, and are permitted to enter, may be required to depart either immediately, or within such time as may be considered necessary by the customs officer of the port for the unloading of such cargo as they may be required or specially permitted to discharge.

Provided, That such vessels may, as a condition of being allowed to discharge cargo, be required to proceed to any other specified British port, and shall there be allowed such time for discharge as the customs officer of that port may consider to be necessary.

Provided also, That, if any cargo on board such vessel is contraband of war or is requisitioned under article 5 of this order, she may be required before the departure to discharge such cargo within such time as the customs officer of the port may consider to be necessary; or she may be required to proceed, if necessary under escort, to any other of the ports specified in article 1 of this order, and shall there discharge the contraband under the like conditions.

5. His Majesty reserves the right recognized by the said convention to requisition at any time subject to payment of compensation enemy cargo on board any vessel to which articles 3 and 4 of the order apply.

6. The privileges accorded by articles 3 and 4 are not to extend to cable ships, or to seagoing ships designed to carry oil fuel, or to ships whose tonnage exceeds 5,000 tons gross, or whose speed is 14 knots or over, regarding which the entries in Lloyd's Register shall be conclusive for the purposes of this article. Such vessels will remain liable on adjudication by the prize court to detention during the period of the war, or to requisition, in accordance, in either case, with the convention aforesaid. The said privileges will also not extend to merchant ships which show by their build that they are intended for

conversion into warships, as such vessels are outside the scope of the said convention, and are liable on adjudication by the prize court to condemnation as prize.

7. Enemy merchant ships allowed to depart under articles 3 and 4 will be provided with a pass indicating the port to which they are to proceed, and the route they are to follow.

8. A merchant ship which, after receipt of such a pass, does not follow the course indicated therein will be liable to capture.

9. If no information reaches one of His Majesty's principal secretaries of state by the day and hour aforementioned to the effect that the treatment accorded to British merchant ships and their cargoes which were in the ports of the enemy at the date of the outbreak of hostilities, or which subsequently entered them, is, in his opinion, not less favorable than that accorded to enemy merchant ships by articles 3 to 8 of this order, every enemy merchant ship which, on the outbreak of hostilities, was in any port to which this order applies, and also every enemy merchant ship which cleared from its last port before the declaration of war, but which, with no knowledge of the war enters a port to which this order applies, shall, together with the cargo on board thereof, be liable to capture, and shall be brought before the prize court forthwith for adjudication.

10. In the event of information reaching one of His Majesty's principal secretaries of state that British merchant ships which cleared from their last port before the declaration of war, but are met with by the enemy at sea after the outbreak of hostilities, are allowed to continue their voyage without interference with either the ship or the cargo, or after capture are released with or without proceedings for adjudication in the prize court, or are to be detained during the war or requisitioned in lieu of condemnation as prize, he shall notify the lords commissioners of the Admiralty accordingly, and shall publish a notification thereof in the London Gazette, and in that event, but not otherwise, enemy merchant ships which cleared from their last port before the declaration of war, and are captured after the outbreak of hostilities and brought before the prize courts for adjudication, shall be released or detained or requisitioned in such cases and upon such terms as may be directed in the said notification in the London Gazette.

11. Neutral cargo, other than contraband of war, on board an enemy merchant ship which is not allowed to depart from a port to which this order applies, shall be released.

12. In accordance with the provisions of Chapter III of the convention relative to certain restrictions on the exercise of the right of capture in maritime war, signed at The Hague on the 18th October, 1907, an undertaking must, whether the merchant ship is allowed to depart or not, be given in writing by each of the officers and members of the crew of such vessel, who is of enemy nationality, that he will not, after the conclusion of the voyage for which the pass is issued, engage while hostilities last in any service connected with the operation of the war. If any such officer is of neutral nationality, an undertaking

must be given in writing that he will not serve, after the conclusion of the voyage for which the pass is issued, on any enemy ship while hostilities last. No undertaking is to be required from members of the crew who are of neutral nationality.

Officers or members of the crew declining to give the undertakings required by this article will be detained as prisoners of war.

And the lords commissioners of His Majesty's treasury, the lords commissioners of the Admiralty, and each of His Majesty's principal secretaries of state, and all governors, officers, and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

Notification of the Secretary of State for Foreign Affairs as to the treatment accorded to British merchant ships and their cargoes in German ports.

On the night of August 4, 1914, the Secretary of State received the following notice from the German ambassador:

"The Imperial Government will keep merchant vessels flying the British flag interned in German harbors, but will liberate them if the Imperial Government receive a counter undertaking from the British Government within forty-eight hours."

On August 5 a copy of the order in council issued on August 4 as to the treatment of enemy merchant vessels in British ports at the date of the outbreak of hostilities was communicated to the ambassador of the United States in London, who was then in charge of German interests in this country, with a request that he would be so good as to cause inquiry to be made of the German Government as to whether the terms of articles 3 to 8 of the order in council constituted an undertaking of the nature the German Government required, and under which they would liberate merchant vessels flying the British flag interned in German harbors.

On August 7 a communication was received from the United States embassy that the United States minister at Stockholm had sent the following telegram signed by the United States ambassador at Berlin:

"Please state if England has issued proclamation that she gives permission to enemy ships to leave British ports until midnight, August 14. If this is so, Germany will issue corresponding orders. Reply through German legation, Stockholm."

The United States embassy added that they did not believe that this telegram was a reply to the message which had been transmitted to Berlin.

On inquiry at the United States embassy shortly before midnight it was ascertained that no further communication had been received from Berlin.

The secretary of state for foreign affairs has therefore no information as to the treatment accorded to British merchant ships and their cargoes in German ports, and has accordingly addressed the under-mentioned notification to the lords commissioners of the treasury and to the lords commissioners of the Admiralty.

FOREIGN OFFICE, S. W.,

Midnight, August 7, 1914.

MY LORDS: I have the honor to state that no information has reached me that the treatment accorded to British merchant ships and their cargoes which were in German ports at the date of the outbreak of hostilities or which subsequently entered them is not less favorable than that accorded to enemy merchant ships by articles 3 to 8 of the order in council issued on the 4th day of August, 1914, with reference to enemy ships being in British ports at the outbreak of hostilities or subsequently entering them. Articles 3 to 8 of the said order in council will therefore not come into operation.

I have the honor to be, my lords,

Your lordships' most obedient, humble servant,

(Signed) E. GREY.

(British Manual of Emergency Legislation, 1914, p. 138.)

GREAT BRITAIN AND AUSTRIA-HUNGARY.

Notification of the Secretary of State for Foreign Affairs as to the treatment accorded to British merchant ships and their cargoes in Austro-Hungarian ports.

The secretary of state for foreign affairs has received information of a nature to satisfy him that the treatment accorded to British merchant ships and their cargoes in Austro-Hungarian ports is not less favorable than that accorded to Austro-Hungarian merchant ships and their cargoes in British ports, and he has accordingly addressed the undermentioned notification to the lords commissioners of the treasury and to the lords commissioners of the admiralty.

FOREIGN OFFICE, S. W.,

August 15, 1914.

MY LORDS: I have the honor to state that information has reached me of a nature to satisfy me that the treatment accorded to British merchant ships and their cargoes which were in Austro-Hungarian ports at the date of the outbreak of hostilities, or which subsequently entered them, is not less favorable than that accorded by articles 3 to 8 of the order in council issued on the 4th day of August, 1914, with reference to enemy ships being in British ports at the outbreak of hostilities or subsequently entering them, which was extended so as to apply to Austro-Hungarian merchant ships by His Majesty's proclamation issued on the 12th day of August, 1914.

Articles 3 to 8 of the said order in council, as extended by the proclamation dated the 12th August, 1914, will therefore come into full force and effect with regard to Austro-Hungarian merchant ships.

I have the honor to be, my lords,

Your lordships' most obedient, humble servant,

(Signed) E. GREY.

(British Manual of Emergency Legislation, 1914, p. 142.)

By the royal proclamation of August 12, 1914, it was declared:

3. (1) In the order in council issued with reference to the departure from our ports of enemy vessels, which at the outbreak of hostilities were in any such port or which subsequently entered the same, the word "enemy," as applied to either ships or cargo, shall be deemed as from this date to include Austro-Hungarian ships or cargo.

(2) In the application of this article to Austro-Hungarian ships the date Saturday, the 15th day of August, shall be substituted for the date mentioned in article 2 of the said order in council, and the date Saturday, the 22d day of August, shall be substituted for the date mentioned in article 3 of the said order in council. (Ibid, p. 98.)

GREAT BRITAIN AND BULGARIA.

By the King.

A proclamation extending to the war with Bulgaria the proclamations and orders in council now in force relating to the war.

GEORGE R. I.

Whereas owing to the King of the Bulgarians, an ally of the central powers, being now in a state of war with the King of Serbia, our ally, a state of war now exists between us and the King of the Bulgarians;

And whereas on the 4th day of August, 1914, a state of war came into existence between us and the German Emperor;

And whereas we did on the same date and on certain other dates subsequent thereto issue certain proclamations and orders in council connected with such state of war;

And whereas on the 12th day of August, 1914, a state of war came into existence between us and the Emperor of Austria, King of Hungary;

And whereas certain of the aforesaid proclamations and orders in council have since been extended so as to cover the state of war between us and the Emperor of Austria, King of Hungary;

And whereas on the 5th day of November, 1914, a state of war came into existence between us and the Sultan of Turkey;

And whereas certain of the aforesaid proclamations and orders in council have since been extended so as to cover the state of war between us and the Sultan of Turkey;¹

And whereas we have since the said 5th day of November, 1914, issued certain other proclamations and orders in council with reference

¹ By the royal proclamation of Nov. 5, 1914, it was declared among other matters that—

"Whereas the convention relating to the status of enemy merchant vessels at the outbreak of hostilities signed at The Hague on the 18th October, 1907, has not been ratified by the Sultan of Turkey, and therefore we do not think fit to extend to Turkish ships the order in council issued the 4th day of August, 1914, with reference to departure from our ports of enemy vessels, which at the outbreak of hostilities were in any such port or which subsequently entered the same," etc.

to the state of war between us and the German Emperor, the Emperor of Austria, King of Hungary, and the Sultan of Turkey;

And whereas it is desirable now to provide for the state of war between us and the King of the Bulgarians;

And whereas the convention relating to the status of enemy merchant vessels at the outbreak of hostilities, signed at The Hague on the 18th day of October, 1907, has not been ratified by the King of the Bulgarians, and therefore we do not think fit to extend to Bulgarian ships the order in council issued on the 4th day of August, 1914, with reference to the departure from our ports of enemy vessels, which at the outbreak of hostilities were in any such port or which subsequently entered the same:

Now, therefore, we have thought fit, by and with the advice of our privy council, to issue this our royal proclamation declaring, and it is hereby declared, as follows:

1. The proclamations and orders in council issued with reference to the state of war between us and the German Emperor, or with reference to the state of war between us and the German Emperor and the Emperor of Austria, King of Hungary, or with reference to the state of war between us and the German Emperor, the Emperor of Austria, King of Hungary, and the Sultan of Turkey, other than the order in council issued on the 4th day of August, 1914, with reference to the departure from our ports of enemy vessels, which at the outbreak of hostilities were in any such ports, or which subsequently entered the same, shall, if still in force, apply to the state of war between us and the King of the Bulgarians as from this 16th day of October, 1915.

2. The proclamation issued on the 5th day of August, 1914, warning all our subjects, and all persons resident or being in our dominions, from contributing to or participating in, or assisting in the floating of any loan raised on behalf of the German Government, or from advancing money to or entering into any contract or dealings whatsoever with the said Government, or otherwise aiding, abetting, or assisting the said Government, shall be deemed as from this 16th day of October, 1915, to apply to all loans raised on behalf of, or contracts or dealings entered into with, or to aiding, abetting, or assisting the Bulgarian Government.

3. The words "enemy country" in any of the proclamations or orders in council referred to in article 1 of this proclamation shall include the dominions of the King of the Bulgarians, and the words "persons of enemy nationality" in any of the said proclamations or orders in council shall include subjects of the King of the Bulgarians.

Given at our court at Buckingham Palace, this 16th day of October, in the year of our Lord 1915, and in the sixth year of our reign.

God save the King.

(London Gazette, Supplement, Oct. 15, 1915.)

GERMANY AND FRANCE.

DÉCLARATION DE GUERRE DE L'ALLEMAGNE À LA FRANCE DU 3 AOÛT 1914.

Lettre de M. Schoen, ambassadeur d'Allemagne en France, à M. René Viviani, président du conseil des ministres, ministre des affaires étrangères.

“MONSIEUR LE PRÉSIDENT:

“Les autorités administratives et militaires allemandes ont constaté un certain nombre d'actes d'hostilité caractérisée commis sur territoire allemand par des aviateurs français. Plusieurs de ces derniers ont manifestement violé la neutralité de la Belgique survolant le territoire de ce pays. L'un a essayé de détruire des constructions près de Wesel, d'autres ont été aperçus sur la région de l'Eiffel, un autre a jeté des bombes sur le chemin de fer près de Karlsruhe et de Nuremberg.

“Je suis chargé et j'ai l'honneur de faire connaître à Votre Excellence qu'en présence de ces agressions, l'Empire allemand se considère en état de guerre avec la France du fait de cette dernière puissance.

“J'ai en même temps l'honneur de porter à la connaissance de Votre Excellence que les autorités allemandes retiendront les navires marchands français dans des ports allemands, mais qu'elles les relâcheront si, dans les quarante-huit heures, la réciprocité complète est assurée.

“Ma mission diplomatique ayant ainsi pris fin, il ne me reste plus qu'à prier Votre Excellence de vouloir bien me munir de mes passeports et de prendre les mesures qu'elle jugerait utiles pour assurer mon retour en Allemagne avec le personnel de l'ambassade ainsi qu'avec le personnel de la légation de Bavière et du consulat général d'Allemagne à Paris.

“Veuillez agréer, Monsieur le Président, l'expression de ma très haute considération.

“Signé: SCHOEN.”

Décret du 4 août 1914 relatif aux navires de commerce allemands se trouvant actuellement dans les ports français.

ART. 1. Les navires de commerce allemands se trouvant actuellement dans les ports français depuis et y compris le 3 août 1914, à dix-huit heures quarante-cinq minutes, ou y entrant sans connaître les hostilités, auront, à partir de la date du présent décret, un délai de sept jours francs pour en sortir librement, et gagner directement, après avoir été munis d'un laissez-passer, leur port de destination ou tel autre port qui leur sera désigné par les autorités maritimes du port français où ils se trouvent.

Par suite de la réserve faite par le gouvernement allemand aux articles 3 et 4, alinéa 2, de la convention VI de la Haye de 1907, le bénéfice de la disposition précédente ne s'applique pas aux navires allemands qui ont quitté leur dernier port de départ avant le 3 août 1914, à dix-huit heures quarante-cinq minutes, et qui sont rencontrés en mer, ignorant les hostilités.

ART. 2. Ne bénéficieront pas de la faveur accordée par l'article 1^{er} tous navires dont la construction, l'armement ou l'affectation indiqueront qu'ils sont susceptibles d'être transformés en bâtiments de guerre ou affectés à un service public.

Dans le cas où ces navires seraient chargés d'un service postal, l'administration des postes pourvoira à l'expédition, par la voie la plus rapide, des sacs et colis postaux embarqués sur lesdits navires.

ART. 3. Les ministres des affaires étrangères, de la marine, des travaux publics, du commerce, des postes et des télégraphes et des colonies sont chargés, etc. (Journ. off. du 6 août 1914.)

FRANCE AND AUSTRIA.

Décret du 13 août 1914 relatif aux navires de commerce autrichiens ou hongrois se trouvant dans les ports français depuis et y compris le 12 août 1914.

ART. 1. Les navires de commerce autrichiens ou hongrois se trouvant actuellement dans les ports français depuis et y compris le 12 août 1914, minuit, ou y entrant sans connaître les hostilités, auront à partir de la date du présent décret, un délai de sept jours francs pour en sortir librement et gagner directement, après avoir été munis d'un laissez-passer, leur port de destination ou tel autre port qui leur sera désigné par les autorités maritimes du port français où ils se trouvent.

ART. 2. Ne bénéficieront pas de la faveur accordée par l'article 1^{er} tous navires dont la construction, l'armement ou l'affectation indiqueront qu'ils sont susceptibles d'être transformés en bâtiments de guerre ou affectés à un service public, non plus que ceux qui se trouveraient actuellement saisis ou capturés pour violation de neutralité.

Dans le cas où ces navires seraient chargés d'un service postal, l'administration des postes pourvoira à l'expédition, par la voie la plus rapide, des sacs et colis postaux embarqués sur lesdits navires.

ART. 3. Les ministres des affaires étrangères, de la marine, des travaux publics, du commerce, des postes et des télégraphes et des colonies sont chargés, etc. (Journ. off. du 14 août 1914.)

ITALY AND AUSTRIA-HUNGARY.

ROYAL DECREE OF MAY 30, 1915 (NO. 814).

[Translation.]

Thomas of Savoy, Duke of Genoa, Lieutenant-General of His Majesty Victor Emanuel III, by the Grace of God and the will of the Nation, King of Italy.

In virtue of the authority delegated to us;

Whereas the royal decree of the 16th May, 1915, No. 659, suspends the application of articles 211 and 243 of the mercantile marine code in the event of the participation of Italy in the present international conflict;

Having regard to the Sixth and Eleventh Convention signed at The Hague, on the 18th October, 1907, which Italy declares she will observe so far as the laws in force in the Kingdom and the other measures taken by the Government of the King permit;

Whereas a state of war exists;

In virtue of the extraordinary powers conferred on the Government of the King by the law of the 22d May, 1915, No. 671;

The council of ministers having been consulted;

On the motion of the minister of marine, acting in concert with the ministers for foreign affairs, of the colonies, and of finance;

We have decreed and decree:

ARTICLE 1. All enemy ships lying in the ports and territorial waters of the kingdom and of its colonies at the outbreak of hostilities shall be sequestered by the local naval authorities.

ART. 2. Special technical commissions, assisted by the naval authorities, shall visit enemy merchant ships thus sequestered, with the object of ascertaining which among them are so constructed or built, or contain such internal arrangements or fittings, as may justify the assumption that they are intended to be converted eventually into warships.

ART. 3. In all cases in which it shall be found that vessels were intended for conversion into warships, these vessels shall be captured and placed under the jurisdiction of the prize court for a decision as to their ultimate disposal.

ART. 4. The vessels which shall not be found to have been intended for conversion into warships shall remain under sequestration. They may be requisitioned by the minister of marine for the whole duration of the present war, in accordance with rules to be laid down in another decree.

ART. 5. Enemy goods found on board all merchant vessels referred to in article 1 above mentioned shall be sequestered and restored after the war, without an indemnity, or else requisitioned with an indemnity.

Perishable goods shall be sold on special conditions which shall be laid down by our ministry of marine.

ART. 6. Neutral goods found on board any merchant ship referred to under article 1 shall be released subject to an option of requisitioning them with an indemnity which the Government of the King may exercise.¹

ART. 7. The decision as to the nationality of the goods referred to under the preceding articles 5 and 6, and the consequent verdict as

¹ *Foreign office notification, August 9, 1915, as to British-owned cargo in Austrian vessels detained in Italy.*

His Majesty's ambassador at Rome is informed by the Italian Government that in order to obtain release of British-owned goods on Austrian vessels detained in Italy the interested parties should present their applications for release of such goods direct to the Italian minister of marine, together with all documents available in support of their claim to ownership. The minister of marine will then determine which goods can be released without further formalities, and which it will be necessary to submit to the decision of the Italian prize court. (London Gazette, Aug. 10, 1915.)

to the release or sequestration of these goods shall lie with the prize court.

ART. 8. The regulations laid down in articles 5 and 6 of the Eleventh Hague Convention of the 18th October, 1907, shall be applicable to the members of the crews on enemy merchant vessels referred to in the preceding article 1.

ART. 9. The treatment laid down in the preceding articles shall not be extended to enemy merchant ships, which shall carry out or attempt to carry out any acts of hostility whether direct or indirect.

ART. 10. The rules laid down in the preceding articles are also applicable to those enemy merchant ships which shall have left their last port before the declaration of war, and which are met at sea before they are aware of the commencement of hostilities.

ART. 11. The minister of marine is empowered to issue special rules for the publication of the present decree which comes into force to-day.

We order that the present decree, furnished with the seal of state, be included in the official record of the laws and decrees of the Kingdom of Italy, requiring everyone concerned to observe it and cause it to be observed.

Given at Rome this 30th day of May, 1915.

THOMAS OF SAVOY.

(British Parliamentary Papers, Miscellaneous, No. 18 (1915). Cd. 8104.)

ROYAL DECREE OF JUNE 17, 1915 (NO. 957).

[Translation.]

Special regulations for the application of the decree of 30th May, 1915; No. 814, relating to the treatment of enemy merchant vessels in ports of the Kingdom or of the colonies.

Thomas of Savoy, Duke of Genoa, lieutenant general of His Majesty Victor Emanuel III, by the Grace of God and the will of the Nation, King of Italy.

In virtue of the authority delegated to us:

In view of the law of the 22d May, 1915, No. 671, that confers extraordinary powers on the Government of the King;

In view of our decree, dated the 30th May, 1915, No. 814, which lays down rules for the treatment of enemy merchant vessels lying in the ports of the Kingdom and the colonies;

At the proposal of the ministry of marine, in concert with the ministries for foreign affairs and the colonies;

We have decreed and do decree:

ART. 1. Enemy merchant vessels present in the ports and territorial waters of the Kingdom at the outbreak of hostilities, and sequestered by the local maritime authorities in accordance with article 1 of our decree of the 30th May, 1915, No. 814, are inscribed on a provisional register at the maritime department of Genoa, and are authorized to

use the national flag and to navigate conformably to the regulations established in the following articles:

ART. 2. Vessels captured in virtue of article 3 of our decree of the 30th May, 1915, No. 814, are placed at the disposal of the ministry of marine, who may arm and man them, and employ them in the service of the Royal Government pending the final judgment of the prize court.

ART. 3. Vessels sequestered in conformity with article 4 of our decree of the 30th May, 1915, No. 814, may be requisitioned by the ministry of marine for the whole period of hostilities, either to be armed and manned by the royal navy, or to be handed over, to the service of some other State administration or public body, or again to a navigation company acting under authority of the above-mentioned ministry.

The service of vessels indicated in the present article shall be regulated by the rules governing the national mercantile marine, except when such vessels shall have transformed into ships of war.

ART. 4. A special commission formed by the ministry of marine, presided over by the director general of the mercantile marine, and composed of a superior naval officer, of a superior official of the central administration of the mercantile marine, and a captain of the port, will lay down the conditions under which the use of vessels referred to in article 3 will be conceded to such administrations, corporations, or societies as may apply for them and may be duly authorized to employ them.

ART. 5. The payment of a monthly rate for charter corresponding to the commercial interest on the real value of the vessel at the time of its requisition shall be included among the conditions attached to the chartering of the vessels in question.

The cost of any important or minor repairs that may be necessary to enable the ship to go to sea shall be deducted from the monthly rate referred to in the previous paragraph.

On the other hand, the charges of upkeep and all other expenses entailed by the running of the vessel shall be defrayed by the administrations, corporations, or societies who have taken it over.

ART. 6. The monthly rates to be paid for charter as conditioned by the preceding article, and minus the deductions provided for in the same, shall be paid into a special and separate fund, to the credit of the parties entitled thereto at the caisse of deposits for seamen in the maritime department of Genoa.

At the end of hostilities the fund will be liquidated in favor of those entitled, in accordance with our dispositions to follow.

We order that the present decree, furnished with the seal of state, be included in the official record of the laws and decrees of the Kingdom of Italy, requiring everyone concerned to observe it and cause it to be observed.

Given at Rome this 17th day of June, 1915.

THOMAS OF SAVOY.

(British Parliamentary Papers, Miscellaneous, No. 18 (1915) Cd. 8104.)

ROYAL DECREE OF JUNE 24, 1915 (NO. 1014).

[Translation.]

Thomas of Savoy, Duke of Genoa, lieutenant general of His Majesty Victor Emanuel III, by the grace of God and the will of the nation, King of Italy.

In virtue of the authority delegated to us;

Whereas the royal decree of the 16th May, No. 659, suspends the application of article 243 of the mercantile marine code during the present international conflict;

Whereas our decree of the 30th May, 1915, No. 814, in substitution of article 243 of the mercantile marine code, lays down rules for the treatment of enemy merchant vessels in the territorial waters of the Kingdom and of the colonies on the outbreak of hostilities;

Whereas our decree of the 17th June, 1915, No. 957, in pursuance of the above-mentioned decree of the 30th May, 1915, No. 814, lays down rules for the use of enemy merchant vessels sequestered in the ports of the Kingdom and of the colonies;

Having regard to article 244 of the mercantile marine code;¹

In virtue of the extraordinary powers conferred on the Government of the King by the law of the 22d May, 1915, No. 671;

The council of ministers having been consulted;

On the motion of the minister of marine, acting in concert with the president of the council of ministers, the minister of the interior, and with the ministers for foreign affairs, of the colonies, and of grace and justice, and worship;

We have decreed and decree:

ARTICLE 1. If the enemy causes damage to the lives or goods of Italian subjects or citizens by bombarding undefended towns, ports, villages, houses, or other buildings, by destroying unarmed merchantmen, or by committing any hostile acts which are contrary to the principles of the rights of war generally recognized and admitted, the Government of the King are authorized to order the appropriation of the sum required to indemnify Italian subjects or citizens, or their representatives, who have suffered damage from the enemy, from the fund which has been established by the Caisse of Deposits for seamen in the maritime department of Genoa in accordance with the terms of article 6 of our decree of the 17th June, 1915, No. 957.

ART. 2. If the fund established in virtue of article 6 of our decree of the 17th June, 1915, No. 957, should not prove sufficient to indemnify those who have suffered damage in the sense indicated in the preceding article 1, those enemy merchant ships in regard to which the provision

¹ Article 244 is as follows (translation): "Vessels sequestered as indicated above and merchandise loaded on the same which are of enemy property may, according to circumstances, be detained until the conclusion of hostilities or else declared to be good prize.

"In that case the proceeds will go to indemnify, pro rata of the respective interests involved, Italian subjects who have suffered injury from the enemy, subject to the observance of the rules and procedure established above, both in regard to judgment as to the legitimacy of the prize and in the liquidation connected therewith."

of sequestration has been enacted in accordance with the terms of article 4 of our decree of the 30th May, 1915, No. 814, may be declared good prize and confiscated.

Similar treatment may be accorded to such enemy goods as have been found on board all enemy merchant ships sequestered in ports of the Kingdom and of its colonies at the outbreak of hostilities, for which the provision of sequestration was established in article 5 of our decree of the 30th May, 1915, No. 814.

ART. 3. Decisions as to the legitimacy of prizes which may be declared under the terms of the preceding article 2, as well as the disposal of the sums obtained from their seizure and the distribution of the fund mentioned in the preceding article 1, will be taken by the prize court, which will be guided by the rules and procedure established in the mercantile marine code, and by the regulations drawn up for the court itself.

ART. 4. If the prize court ascertains that the sums composing the fund mentioned in article 1, or the ships or goods declared to be good prize and confiscated in accordance with the terms of article 2, belong to individuals of Italian nationality but natives of regions which are under the dominions of the Austro-Hungarian Empire, the prize court may suspend the acts of distribution of such sums or of the sums obtainable from the sale of such ships or goods, and inform the Government of the King of the facts ascertained; the Government of the King may then, after the council of ministers has considered the matter, proceed to liberate the sums, ships, and goods belonging to the above-mentioned individuals, or may invite the prize court to continue the action and procedure provided for in the preceding articles.

ART. 5. Subsequent dispositions¹ will be issued establishing the mode of procedure for the application of articles 1 and 2 of the present decree.

We order that the present decree, furnished with the seal of state, be included in the official record of the laws and decrees of the Kingdom of Italy, requiring everyone concerned to observe it and cause it to be observed.

Given at Rome this 24th day of June, 1915.

THOMAS OF SAVOY.

[British Parliamentary Papers. Miscellaneous, No. 18 (1915). Cd. 8104.]

¹ These have not yet been published (November, 1915).